

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES S. RENCHENSKI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:23-38
)	Judge Nora Barry Fischer
SUPERINTENDENT MCGINLEY,)	Magistrate Judge Keith Pesto
ATTORNEY GENERAL’S OFFICE)	
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 17th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on May 16, 2023, (Docket No. 13), recommending that Petitioner Charles S. Renchenski’s Petition (Docket No. 1) be dismissed as it is “a second or successive habeas petition challenging his continued imprisonment as a result of his life sentence in in Commonwealth v. Renchenski, CP-17-CR-481-1982 (C.P. Clearfield)” and was not authorized by the U.S. Court of Appeals for the Third Circuit, and that no certificate of appealability should issue, and directing that objections be filed within 14 days, Petitioner’s Objections which were timely filed on June 2, 2023, (Docket No. 15), and upon independent review of the record and de novo consideration of the Magistrate Judge’s Report and Recommendation of May 16, 2023, (Docket No. 13),

IT IS HEREBY ORDERED that the Report and Recommendation [13] is ADOPTED as the Opinion of this Court;

IT IS FURTHER ORDERED that Petitioner’s Objections [15] are OVERRULED, as the Court finds that Petitioner’s challenge to “the legality of his continued confinement” (Docket No.

2 at 19), is in fact challenging the conviction and sentence he is now serving and he previously filed a § 2254 petition at Civ. A. No. 3:10-217-KRG-KAP, such that the present action constitutes a second or successive habeas petition. Hence, this Petition must be dismissed because this Court lacks jurisdiction given that Petitioner has not received authorization from the U.S. Court of Appeals for the Third Circuit to bring this action, *see* 28 U.S.C. § 2244(b); *see also Robinson v. Johnson*, 313 F.3d 128, 139-40 (3d Cir. 2002);

IT IS FURTHER ORDERED that the Petition (Docket No. 1) is DISMISSED for lack of jurisdiction;

IT IS FURTHER ORDERED that no certificate of appealability shall issue because Petitioner has not made a substantial showing of the denial of a Constitutional right or shown that jurists of reason would disagree that this is a second or successive habeas petition, *see e.g., Slack v. McDaniel*, 529 U.S. 473 (2000);

IT IS FURTHER ORDERED that to the extent that Petitioner seeks to challenge Magistrate Judge Pesto's separate order denying his motion for recusal, (Docket No. 14), the same is denied for the reasons set forth by Judge Pesto, (Docket No. 11); and,

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto
All counsel of record.

cc: Charles S. Renschenski AP-8124
S.C.I. Coal Township
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(via first class mail)